

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, April 13, 2016

Present: Brian Duncan, Chair
 Stephen K. Hess, Vice Chair
 Christopher Glass, Sr., Commission Member
 Timothy Tosten, Commission Member
 Anthony Ventre, Commission Member
 Linda B. Thall, Senior Assistant County Attorney

Absent: Beverly Freed, Alternate Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on April 13, 2016, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Approval of the Minutes – Before the meeting, the members received the draft minutes for the meetings held on April 6 and April 7. The members had no changes to the minutes, which were then approved by unanimous consent.

Proposed revisions to the Commission's Standard Operating Procedure (SOP) – The Commission held its third public meeting in April to resume work on revision of the Commission's SOP. The members discussed the process for resolving complaints, including the provisions on notifying parties of the filing of a complaint, whether anonymous complaints by officials and employees should be considered, whether the Commission should, under limited circumstances, allow the complainant's name to remain confidential, the preliminary review process and the issuance of written opinions. As the Commission has not yet received the requested comments on the process for making referrals to the State's Attorney's Office, the Commission deferred action on this item until its next meeting.

The Commission also approved changes to the section on financial disclosure statements to clarify that it expects the financial disclosure statements to be filed by the statutory deadline and to state the penalties available to the Commission for noncompliance with this requirement. The Commission also expressed interest in making changes to the financial disclosure forms; the Commission agreed to consider this subject at its May 11 meeting.

The Commission also considered the difficulties that may come about if the Commission wants to issue a subpoena under the new Ethics Law. Under Section 1-7.1-4(C)(3), a subpoena may only be issued by the Commission upon the affirmative vote of six members. Once the new Law goes into effect, the Commission will have six members plus one alternate member. The members expressed concern over the problems that this requirement could cause if two or more members of the Commission have recused

themselves from participating in the complaint or are otherwise unable to attend the Commission meeting when the vote on issuing a subpoena is taken. The members agreed to consider making a recommendation to the County Council for amendment of this requirement.

The Commission discussed the types of training that should be provided to educate officials and employees on the requirements of the Ethics Law. This issue will be discussed further at the next Commission meeting.

As part of the SOP, the Commission decided to add language to describe the role of the Commission's alternate member. The Commission agreed that the alternate should be allowed the same right to participate in discussions of pending matters as the regular members, but that the alternate would only have the power to vote when one of the regular members is absent or has recused himself.

A revised draft SOP will be circulated to the members in advance of the next meeting. Before approving the SOP, the draft will be posted on the Commission's website for the purpose of obtaining comments from the public.

The discussion of the SOP will resume at the May 11 meeting. Mr. Duncan agreed that he would contact other county Ethics Commissions to find out how they handle anonymous complaints. More information on this will be provided at the next meeting.

Adjournment

The Ethics Commission adjourned its meeting at approximately 8:10 p.m.

/s/
Linda B. Thall, Senior Assistant County Attorney